

WASHINGTON STATE DEPARTMENT OF HEALTH  
BOARD OF PHARMACY  
Point Plaza East  
Olympia, Washington

**CONVENE**

Chair George Roe convened the meeting at 9:00 a.m. on February 23, 2005. Board Members present:

Susan Teil-Boyer, RPh  
Asaad Awan, RPh, Vice Chair  
Donna Dockter, RPh  
Rebecca Hille  
Leon Alzola, RPh  
Sharron Sellers

Staff Members present:

Steven Saxe, Executive Director  
Tim Fuller, Pharmacy Consultant  
Andy Mecca, Pharmacy Consultant  
Lisa Salmi, Deputy Director  
Georgia Sage, Administrative Assistant  
Joyce Roper, AAG Advisor  
Richard Morrison, Chief Investigator  
Jim Doll, Investigator  
Kristi Weeks, Staff Attorney  
Patrick Hanley, Staff Attorney

**CONSENT AGENDA**

**ACTION:** Rebecca Hille moved to accept the following:

Pharmacy and Other Firm Application Approval  
Pharmacy Technician Application Approval for:  
Alice S. Sanchez  
Pharmacy Tech Training Program Approval for:  
Medicine Shoppe, Centralia  
Valley View Clinical Pharmacists, Monroe

**MOTION CARRIED.**

Collaborative Drug Therapy Agreement Approval

**ACTION:** After receiving clarification on the prescriber signature for Target #1883, Donna Dockter moved to accept the Agreements for the following:

Bartell #21, Altitude Sickness, Anti-malarial Prophylaxis, Epi-Pen, Motion Sickness and Travelers' Diarrhea

Bartell #58, Altitude Sickness, Anti-malarial Prophylaxis, Epi-Pen, Motion Sickness and Travelers' Diarrhea

Target Pharmacy #1883, Influenza treatment and Prophylaxis

### **Automated Drug Dispensing Device Acceptance**

#### Mt. Carmel Hospital Pharmacy

Mr. Fuller informed the Board that the corrections to their policy & procedures were to have been submitted before the meeting. However, they were not received in a timely manner. **ACTION:** Donna Dockter moved to deny the application for Mt. Carmel Hospital Pharmacy until the requested items were received. **MOTION CARRIED.**

#### Swedish Medical Center, Issaquah

**ACTION:** Susan Teil-Boyer moved to accept the revised policy and procedures for Swedish Medical Center, Issaquah. **MOTION CARRIED.**

#### Board Minutes

**ACTION:** After receiving clarification on Review of Rule Activity in the January minutes, Donna Dockter moved to accept the minutes as submitted. **MOTION CARRIED**

### **REPORTS**

Executive Director Steven Saxe reported on the following:

- Attended Senate Health and Long Term Care, House Healthcare and Senate Judiciary committee meetings on importation and methamphetamine precursor rules to answer questions as needed.
- Participated with the Meth Coalition Group on phone calls related to methamphetamine precursor bills. The coalition includes law enforcement, retail pharmacy and other entities.
- Working with legislators and the Veterinary Association on legislation dealing with the training required to become a Veterinary Technician.
- The Optometry profession is proposing legislation to standardize their four tiered licensing into one. There is also legislation regarding fairness to consumers with contact lenses. This would allow the consumer to take any contact lens prescription to a dispenser of their choice.
- The letter regarding requesting a grant for the household medication waste was sent.
- Continue to work on the restructuring of Section 4. There will be a credentialing function, a case management section, program support function. The section will still maintain the pharmacy investigators and pharmacy consultants.

- Along with the Executive Director from Section 5, leading a group to review the intake and assessment of complaints.
- Working with staff on the electronic rule process.
- Received several telephone calls from the media concerning the methamphetamine issue. Also receive media calls when the most recent disciplinary information is released.
- Work with the prescription-monitoring project continues. Don Williams is working part time as the program manager. Mr. Williams recently visited Idaho, who has a program in place. The information he received will be incorporated into the feasibility study. Presentations to stakeholders continue. A six-month report to the Department of Justice on the activities was recently submitted.
- Participated with Bill Fassett of WSU and the Tom Hazlet of the UW on new drugs and new law course. Also shared with participants the five goals set by the Board at their last planning session.
- Mary Selecky was recently reappointed by Governor Gregoire as Secretary of Health.

### Board Member Reports

*Susan Teil-Boyer* reported that the Joint Commission on Accreditation of Health Care Organizations will be visiting Good Samaritan on March 21. Their focus has changed over the years and is currently on medication safety and how to protect the patients and public in terms of medication safety and medication systems in facilities.

*George Roe* attended the Northwest Medication Safety Council and was appointed as a member. Top Food Pharmacies will participate in the quality improvement project which will look at errors, how they are made and what can be done to correct them.

### Pharmacy Consultants

Tim Fuller discussed the following:

- He noted that the Northwest Medication Safety Council will be collecting and reviewing the error information that is not subject to disclosure.
- The homeland security issue continues to move forward. The state will start various exercises in April/May.
- A stakeholders meeting was held regarding controlled substance returns from long term care facilities. Good feedback was received to move to a permanent rule from the emergency rule and should be ready to file soon.

Andy Mecca reported that:

- He continues to answer pharmacist questions and is continuing to compile and edit a list of Most Frequently Asked Questions.
- In the process of scheduling stakeholder meetings for documentation of patient counseling.
- Along with Investigator Jim Doll, talked to UW pharmacy students about the complaint process.

## Chief Investigator

Dick Morrison reported on:

- The next investigators meeting will be held in Tumwater on March 2, 2005. Board member Susan Teil Boyer will attend.
- From January 21<sup>st</sup> through the 23<sup>rd</sup>, he reviewed for approval the pool of law questions used in the Washington MPJE in Scottsdale, AZ. Representatives from 42 states and the District of Columbia were present.
- Admission interviews for the University of Washington, School of Pharmacy are underway. As a member of the admissions committee has had the opportunity to participate in two sessions thus far. The candidates have been outstanding.
- Assignments in territory #1 continue to be handled by Joe Honda, Kelly McLean, and Mr. Morrison. He plans to make the transition into the territory within the coming two months. He continues to work closely with Steve and Lisa in the recruitment of a new Chief Investigator

## **PRESENTATIONS**

### Albertson's Corporation

Chris Dimos Vice President of Pharmacy Services, presented information to the Board and requested approval for their use of Sure Script Electronic Prescription Transfer Program. Ms. Teil-Boyer asked if the system was able to record the purpose of the prescription, patient allergies, etc. Mr. Dimos indicated there was a notes field that would allow the prescriber to put such information in. **ACTION:** Asaad Awan moved to approve the Electronic Prescription Transfer Program. **MOTION CARRIED.**

### Executive Session

The Board met in closed session to discuss legal procedures for the Board meeting

## **PRESENTATIONS CONT.**

Steve Arndt, Medical Director of Valley Medical Center, Steve Berndt and John Swenson of McKesson were present to provide information to the Board on their Electronic Prescription Transfer Program. **ACTION:** Leon Alzola moved to accept the McKesson Electronic Prescription Transfer Program for use at Valley Medical Center. **MOTION CARRIED.**

## **Automated Drug Dispensing Devices**

### Kirk's Pharmacy

Rick Graham of Kirk's Pharmacy requested approval to use the Pyxis medication system for the Center for Acute Psychiatric Services in Olympia, Washington. **ACTION:** Susan Teil-Boyer moved to approval the proposal from Mr. Graham and Kirk's Pharmacy. **MOTION CARRIED**

### Sacred Heart Medical Center, St. Joseph Care Center.

Larry Bettsworth petitioned the Board to reconsider their decision to deny the telepharmacy proposal for St. Joseph Care Center. Tim Fuller distributed a handout that focused on the patient order process. WSPA Executive Director, Rod Shafer also provided comments as to why the system should be approved by the Board. The Board questioned AAG Advisor Joyce Roper about the Board's authority to allow others than those licensed by the Board to input information into the pharmacy system. Ms. Roper indicated that the rule addresses "...in the absence of a pharmacist, only registered nurses, designated by the hospital and responsible pharmacist, can obtain emergency drugs from the pharmacy". It does not give the Board authority in any other area of another professional licensee. **ACTION:** Asaad Awan moved that the previous decision of the Board stand for the Sacred Heart Medical Center proposal. **MOTION CARRIED.**

## **DISCUSSION**

### Washington Recovery Assistance Program for Pharmacy (WRAPP) Proposal

Miki Kedzierski, WRAPP Chair, Doug Beeman, WRAPP Advisory Board Member and Ruth Kershbaum, WRAPP Program Manager were present to discuss their request for renewal of the current contract until June 30, 2007. No increase in the current budget of \$123,000 is being requested. **ACTION:** Leon Alzola moved to accept the budget proposal submitted by the WRAPP Committee. **MOTION CARRIED.** The Department of Health's contract office will negotiate the actual contract.

Ms. Kedzierski updated the Board on the current transition taking place in WRAPP. Ms. Kedzierski has submitted her letter of resignation as WRAPP Advisory Board Chair and requested the Board approve the draft Statement of Work, which will enable them to move forward to recruit new board members. **ACTION:** Susan Teil-Boyer moved to accept the Statement of Work submitted by WRAPP. **MOTION CARRIED.**

### American Council on Pharmaceutical Education (ACPE) Accreditation of Pharmacy Programs.

The Board reviewed the ACPE Accredited Professional Programs of Colleges and Schools of Pharmacy as the official listing of approved pharmacy programs. **ACTION:** Donna Dockter moved to accept the 2005 ACPE list of approved professional pharmacy programs. **MOTION CARRIED.**

### Canadian Pharmacist Graduate Board Policy Statement.

At the January board meeting, the Board discussed the recent announcement by ACPE to no longer recognize accreditation decisions for Canadian pharmacy schools by the Canadian Council for Accreditation of Pharmacy Programs (CCAPP). The Board also reviewed Board Policy Statement #30, which permits Canadian pharmacists (who graduated after 1994) to take the NAPLEX examination without obtaining a certificate from the Foreign Pharmacist Graduate

Examination Committee. **ACTION:** Sharron Sellers moved to continue to recognize Canadian graduates as eligible to sit for the NAPLEX exam *with* the condition that proposed changes to the policy statement be incorporated. **MOTION CARRIED**

## **DISCIPLINE**

Staff Attorney Kristi Weeks presented Stipulated Findings of Fact, Conclusions of Law and Agreed Order for Albert LeGault, RPh. The Board expressed concerns that no specific suspension time was ordered for the seriousness of the violation. They also had concerns about the time frame mentioned for the supervisor/responsible manager to notify the Board of their employment. How could staff be certain Mr. LeGault was not working by himself in one of the pharmacies he owned? They also questioned if Mason County would notify staff of any non-compliance with drug court and the time frame in which they would do so. **ACTION:** Rebecca Hille moved to accept the Stipulated Findings of Fact, Conclusions of Law and Agreed Order for Albert LeGault, RPh. No second to the motion, therefore it died.

The following Stipulated Findings of Fact, Conclusions of Law and Agreed Order were accepted:

William Wallace, RPh  
Robert Blaine, RPh  
Matthew Broxton, Applicant  
Roshan Siddiqui, RPh  
M. Randall Strait, RPh  
Xiang Jing, Applicant  
Stacie Aumiller, RPh  
Todd Long, PhT

The following Stipulated Findings of Fact, Conclusions of Law and Final Order on Defaults were accepted:

Michelle Franklin-Williams, PhA  
Susan Reaser, PhT

## **DISCUSSION CONT.**

### Stillaquamish Tribal Clinic Telepharmacy Proposal.

This agenda item will be postponed to a future date as the required information was not submitted.

### Health Professions Fee Adjustment Rule Making.

A number of programs in Health Professions Quality Assurance Division have a surplus of revenue in excess of the amount necessary to pay for administering the program. The Department is pursuing rule making in all professions to amend fee rules. This would allow the Department to adjust renewal fees for the duration of one renewal cycle. The program should

only retain a reserve of approximately 20%. The Board of Pharmacy is included in this fee reduction. It is anticipated that the Board will have a surplus of 2.4 million at the end of this biennium. **ACTION:** Susan Teil-Boyer moved to direct Mr. Saxe to discuss with the Secretary the options for using fee dollars to provide financial assistance to WRAPP clients for treatment and monitoring and to fund the development of a consumer education program. **MOTION CARRIED.**

#### Homeland Security Initiatives.

Dave Owens, Department of Health coordinator for the Strategic National Stockpile was present to update the Board on the Departments involvement with various initiatives, particularly in delivery of medications. The Strategic National Stockpile started with 8 “Push Packages”, there are now 12. Originally there were 100 containers, now there are 130, which is 50 tons of medical supplies in each push package. There is the capability in each package to prophylaxis 300,000 people for 10 days. The vendors manage the inventories, which in turned are owned by the CDC National Stockpile Program.

A new program (*HRQA*) is being instituted which would require 75% of the hospitals to create readily available pharmaceutical cache’s to prophylaxis their personnel, patients & emergency responders for 3 days prior to the push packages arriving.

Because of intelligence gathering in Afghanistan, it was learned that Al Quaida now has the capability of weponizing Anthrax. This has led to additional money being provided by the Federal Government to states to ensure cities are able to prophylaxis their population within 48 hours through the Cities Readiness Initiative. They are looking at various avenues to deliver the medications in a timely manner.

#### Reimportation of Drugs.

The Board reviewed a proposed letter to Governor Gregoire offering the Board’s assistance in identifying options to address the high cost of and access to medications. **ACTION:** Leon Alzola moved to have George Roe sign the letter to Governor Gregoire and send. **MOTION CARRIED**

#### Rite Aid Corporation.

The Board considered a request from the Rite Aid Corporation for an exemption of the sale limitations of Ephedrine/Pseudoephedrine/ Phenylpropanolamine products located in RCW 18.64.046(4). **ACTION:** Leon Alzola moved to grant Rite Aid an exemption from pseudoephedrine reporting requirements as outlined in their information. **MOTION CARRIED.**

#### Drug Enforcement Administration (DEA) Pain Policy.

The Board reviewed a proposed letter to the DEA expressing concern with the DEA policy statement that prohibits practitioners from writing multiple prescriptions on one day with

instructions to the pharmacist that the prescriptions not be filled until a certain date. **ACTION:** Leon Alzola moved to send the proposed letter to the Drug Enforcement Administration.  
**MOTION CARRIED.**

Proposed Legislation Review.

Steve Saxe reviewed the following proposed legislation with the Board:

HB 1018,	Precursors
HB 1017,	Precursors
SB 5123, HB 1316,	Precursors
SB 5470,	Drug Reimportation (requested by Governor Gregoire)
HB 1194,	Reimportation of Drugs
2SHB 168,	Reimportation of Prescription Drugs
SB 6020,	Importation of Prescription Drugs
SB 5846, HB 1889	Unused Prescription Drugs in Long Term Care Facilities
SB 5149,	Prescription Drug Marketing – Disclosure of Gifts and Gratuities
HB 1780,	Legible Prescriptions
HB 1884,	Disallowing High Tech Excise Tax Exemption
HB 1546,	Naturopathic Physicians
HB 1479,	ARNP Prescribing
SHB 1137,	Physical Therapy

**PRESENTATIONS CONT.**

University of Washington Associate Professor Tom Hazlett introduced students from the pharmacy law program that presented three projects they completed last semester. The programs were:

- Clarifying the Role of the Pharmacist in Offering Patient Counseling.
- Proposed Limitations to Verbal Prescription Orders
- Required Pharmacist CPR Certification

There being no further business, the Board adjourned at 4:15 p.m. They will meet again on April 6, 7, 2005 in Wenatchee, Washington.

Respectfully submitted,

Georgia A. Sage  
Administrative Assistant

APPROVAL

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Board Chair



